

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

<p>NU PAGAMENTOS S.A. - INSTITUICAO DE PAGAMENTO</p> <p>Plaintiff/Counter-Defendant</p> <p>v.</p> <p>JERRIE KAY HULSEY, EXECUTRIX OF THE ESTATE OF GEORGE DANIEL HUDSON</p> <p>Defendant/Counter-Plaintiff</p>	<p>Case No. 2:21-cv-00069-RWS</p>
--	-----------------------------------

JOINT SCHEDULING REPORT

The parties, “Nu Pagamentos S.A. - Instituicao De Pagamento” and “Jerrie Kay Hulsey, Executrix of the Estate of George Daniel Hudson,” hereby provide the joint report required by the Court’s Order of January 2, 2024 (Dkt. #173).

The parties met and conferred via telephone on January 5, 2024.

Plaintiff’s Position

In light of the Court’s Order allowing the substitution of the Defendant, Plaintiff’s counsel informed Defendant’s counsel that it intends to seek limited discovery from the substituted Defendant—namely documents and a deposition—surrounding the substituted Defendant’s use of the domain at issue and facts pertaining to the substituted Defendant as to the factors relevant to Plaintiff’s

remaining claim under the Anticybersquatting Consumer Protection Act (“ACPA”). Plaintiff expects to call the substituted Defendant as a trial witness. Defendant’s counsel indicated that he would not agree to further discovery. Pursuant to the Court’s Standing Order Regarding Civil Litigation, Plaintiff will contact the Court’s Courtroom Deputy Clerk regarding this discovery matter.

With respect to scheduling, Plaintiff proposes that the final pretrial conference be scheduled 45 days after completion of the limited requested discovery and a trial date scheduled approximately 30 days thereafter, subject to the Court’s calendar.

Defendant’s Position

Defendant proposes that an appropriate deadline for the Proposed Joint Pretrial Order, and related tasks, would be on or around Friday, February 23, 2024. Defendant proposes that an appropriate trial date would be on or around Monday, March 25, 2024.

As to Plaintiff’s request for new factual discovery, Defendant completely opposes. First, factual discovery has now been closed for approximately two years. Second, there are no new relevant facts that would have any effect on the remaining claims. Third, the executrix of the estate is not a witness in this matter, and will not testify in any respect. The Plaintiff’s request is yet another delay tactic. The pre-trial and trial deadlines should be set without delay.

* * *

Respectfully submitted,

Dated: January 9, 2024

Lucas W. Andrews
(GA Bar No. 019533)
luke@poolehuffman.com
POOLE HUFFMAN LLC
3562 Habersham at Northlake
Building J, Suite 200
Tucker, GA 30084
Tel: (770) 988-6574
Fax: (888) 709-5723

Mark S. Zhai
(*admitted pro hac vice*)
mzhai@nixonpeabody.com
NIXON PEABODY LLP
300 South Grand Ave., Suite 4100
Los Angeles, CA 90071
Tel: (213) 629-6000
Fax: (213) 629-6001

/s/ Matthew T. McLaughlin
Matthew T. McLaughlin
(*admitted pro hac vice*)
mmclaughlin@nixonpeabody.com
NIXON PEABODY LLP
Exchange Place
53 State Street
Boston, MA 02109
Tel: (617) 345-1000
Fax: (617) 345-1300

David L. May
(*admitted pro hac vice*)
dmay@nixonpeabody.com
NIXON PEABODY LLP
799 9th Street NW, Suite 500
Washington, DC 20001
Tel: (202) 585-8000
Fax: (202) 585-8080

Attorneys for Plaintiff Nu Pagamentos S.A.–Instituição de Pagamento

/s/ Eric Menhart
Eric Menhart, Esq.*
Lexero Law
512 C St NE
Washington, DC 20002
Phone: 855-453-9376
Fax: 855-453-9376
* *Admitted Pro Hac Vice*

Attorney for Defendant/
Counter-Plaintiff

CERTIFICATION OF FONT SIZE

Pursuant to Local Rule 7.1(D), the parties certify that the font employed in this document is 14-point Times New Roman.

/s/ Eric Menhart
Eric Menhart, Esq.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed via the Court's ECF system and all parties of record were served via that system.

/s/ Eric Menhart
Eric Menhart, Esq.